



AF/3738  
ZGM

PTO/SB/31 (04-05)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|---|--|---|--|
| <b>NOTICE OF APPEAL FROM THE EXAMINER TO<br/>THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>  |  | Docket Number (Optional)<br>101896-0031 |  |
| <p>In re Application of<br/>Michael J. O'Neil</p> <p>Application Number<br/>09/955,680-Conf. #1266 Filed<br/>September 19, 2001</p> <p>For ALIGNMENT VERIFICATION DEVICE AND METHOD OF USE</p> <p>Art Unit<br/>3738 Examiner<br/>D. J. Isabella</p> |  |   |  |

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ \_\_\_\_\_

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 141449. I have enclosed a duplicate copy of this sheet.

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

applicant /inventor.

assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

attorney or agent of record.

Registration number \_\_\_\_\_

  
Signature

Ronald E. Cahill

Typed or printed name

(617) 439-2000

Telephone number

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. 38,403

  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

\*Total of 1 forms are submitted.

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**Notice of Appeal**

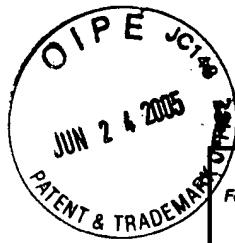
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 16/22/05

Signature:   
(Michelle Z. Bielunis)

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 500.00)
**Complete if Known**

|                      |                        |
|----------------------|------------------------|
| Application Number   | 09/955,680-Conf. #1266 |
| Filing Date          | September 19, 2001     |
| First Named Inventor | Michael J. O'Neil      |
| Examiner Name        | D. J. Isabella         |
| Art Unit             | 3738                   |
| Attorney Docket No.  | 101896-0031            |

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 141449 Deposit Account Name: Nutter McClellan & Fish LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| <u>Application Type</u> | <u>FILING FEES</u> |                              | <u>SEARCH FEES</u> |                              | <u>EXAMINATION FEES</u> |                              |                       |
|-------------------------|--------------------|------------------------------|--------------------|------------------------------|-------------------------|------------------------------|-----------------------|
|                         | <u>Fee (\$)</u>    | <u>Small Entity Fee (\$)</u> | <u>Fee (\$)</u>    | <u>Small Entity Fee (\$)</u> | <u>Fee (\$)</u>         | <u>Small Entity Fee (\$)</u> | <u>Fees Paid (\$)</u> |
| Utility                 | 300                | 150                          | 500                | 250                          | 200                     | 100                          |                       |
| Design                  | 200                | 100                          | 100                | 50                           | 130                     | 65                           |                       |
| Plant                   | 200                | 100                          | 300                | 150                          | 160                     | 80                           |                       |
| Reissue                 | 300                | 150                          | 500                | 250                          | 600                     | 300                          |                       |
| Provisional             | 200                | 100                          | 0                  | 0                            | 0                       | 0                            |                       |

**2. EXCESS CLAIM FEES****Fee Description**

| <u>Fee Description</u>                             | <u>Small Entity Fee (\$)</u> | <u>Fee (\$)</u> |
|--|------------------------------|-----------------|
| Each claim over 20 (including Reissues)            | 50                           | 25              |
| Each independent claim over 3 (including Reissues) | 200                          | 100             |
| Multiple dependent claims                          | 360                          | 180             |

| <u>Total Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> | <u>Multiple Dependent Claims</u>     |
|---------------------|---------------------|-----------------|----------------------|--------------------------------------|
|                     |                     |                 |                      | <u>Fee (\$)</u> <u>Fee Paid (\$)</u> |
|                     |                     |                 |                      |                                      |

| <u>Indep. Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|----------------------|---------------------|-----------------|----------------------|
|                      |                     |                 |                      |

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each additional 50 or fraction thereof</u>              | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|---------------------|---------------------|--|-----------------|----------------------|
|                     |                     | - 100 = _____ /50 _____ (round up to a whole number) x _____ = _____ |                 |                      |

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1401 Notice of appeal 500.00

**SUBMITTED BY**

|                   |                  |                                   |        |           |                |
|-------------------|------------------|-----------------------------------|--------|-----------|----------------|
| Signature         |                  | Registration No. (Attorney/Agent) | 38,403 | Telephone | (617) 439-2000 |
| Name (Print/Type) | Ronald E. Cahill |                                   |        | Date      | 6/22/05        |

**Fee Transmittal**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 6/22/05 Signature: (Michelle Z. Bielunis)